

No. 5277-ILab-70/18147.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Telesonic Radio Industries, Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 86 of 1968

between

Shri Ram Bux, workman, and the management of M/s Telesonic Radio Industries, Faridabad.

Present—

Shri Onkar Parshad, for the workman.

Shri D.C. Chadha, for the management.

AWARD

Shri Ram Bux was employed as a Watchman in M/s Telesonic Radio Industries, Faridabad. He proceeded on leave with effect from 9th July, 1969. According to the management the workman was to report on duty after 13 days but he did not report till the end of July and his name was struck off from the Jolls on the assumption that he has abandoned the service. The case of the workman is that he was delayed for reason beyond his control up to 20 days and thereafter he remained ill for two or three days. The workman pleads that he had no intention to give up his services. He is aggrieved by reason of the termination of his service and this gave rise to an industrial dispute. Accordingly the Government of Haryana in exercise of the powers conferred by clause (d) of the sub section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal, for adjudication,—vide Government Gazette Notification No. 1D/FD/82A/34396, dated 18th December, 1969:—

Whether the termination of services of Shri Ram Bux was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the management filed a written statement and the workman filed his rejoinder. The workman has stated that in fact he had asked for 20 days leave from 9th July, 1969 to 29th July, 1969, because his daughter had died but the management allowed him only 13 days leave and promised that in case he could not return in time his leave would be extended up to 20 days. He says that he also fell ill while he was at home and for this reason he could not return in time. He further says that he was able to return on 2nd August, 1969 and was allowed to perform his duty but on the next date he was not allowed to do his duty. The case of the management on the other hand is that the workman was allowed leave only for 13 days and there was no promise that his leave would be extended in case he could not return in time. It is stated that the workman in his leave application himself wrote that in case he was not able to return within 13 days his name may be struck off and since the workman admittedly fail to report for duty after the expiry of the leave his name has been rightly struck off from the rolls. The pleadings of the parties gave rise to the following issues:—

- (1) Whether the workman asked for 20 days leave from 9th July, 1969 to 29th July, 1969, but the management granted him 13 days leave and promised that in case he overstayed up to 20 days it would be all right?
- (2) Whether the workman was allowed to resume duty on 2nd August, 1969, but he was refused duty on 3rd August, 1969?
- (3) Whether the termination of services of Shri Ram Bux was justified and in order? If not, to what relief is he entitled?

The parties have been given an opportunity to produce their evidence in support of their respective contentions. The workman has produced Shri Kanwar Pal Sharma, Die Maker in the respondent concern, and has himself appeared as a witness. The management in rebuttal have produced Shri Krishan Lal, Proprietor of M/s K.G. Industries, Sadara, at whose instance the leave is said to have been granted to the workman and Shri M.L. Ahuja, Proprietor of the respondent concern, had also appeared as a witness. I have carefully considered the evidence of the parties and have heard their learned representative at length. My findings are as under:—

Issue No. 1.—Sri Kanwar Pal Sharma, W.W. 1, says that the daughter of Shri Ram Bux, workman, had died and therefore, the workman wanted to go on leave but he does not remember the period for which leave was granted to him. The workman states that on receipt of telegram regarding the death of his daughter he asked

for one month leave but the Manager told him that only 13 days leave was due to him and he could not get more leave. The workman says that he approached the Manager and told him that he could not complete his work in 13 days and he might be delayed upon which the Manager told him that it would be all right if he was delayed by 2 or 4 days. His leave application Exhibit M-1(1) is also for 13 days. The workman further states that in his village he fell ill and therefore, he was further delayed for two or three days. It is, therefore, clear from the evidence of the workman himself that he did not ask for leave for 20 days and the Manager did not tell him that he would grant him leave up to 20 days if he could not return in time. I accordingly find this issue against the workman.

Issue No. 2.—The workman states that he returned from leave on 2nd August, 1969 and the Manager took him back on duty and he actually performed his duty but on the next date that on 3rd August, 1969 no duty was given to him. The record of the management does not show that the workman was given duty on 2nd August, 1969. On the contrary the entries in the attendance register show that the name of the workman continued in the register only during the month of July, 1969 and in the month of August his name was struck off from the register. Further the workman is shown to be absent from 23rd July onwards till 31st July. In case the workman had been taken on duty on 2nd August, 1969, his presence would have been marked in the register.

The learned representative of the workman submitted that the workman has stated on oath that he was allowed to resume duty on 2nd August, 1969 and he actually performed duty. It is submitted that the evidence of the workman is corroborated by the evidence of Shri Kanwar Pal Sharma, W.W. 1, a Die Maker in the respondent concern and the management have led no evidence in rebuttal to prove that the workman was not allowed to resume duty and under those circumstances there is no reason to disbelieve the evidence of the workman. In my opinion there is no force in this contention. If the workman had been actually allowed to resume duty on 2nd August, 1969, his presence would have been marked. When the name of the workman was deleted from the rolls with effect from 1st August, 1969, he could not have been allowed to resume duty without any orders. It may be that the workman reported for duty on 2nd August, 1969 and being an old employee he might have been allowed to stay in the factory premises and the workman of his own accord might have performed duty but that does not mean that the management took him back into service and the workman performed duty under the orders of the management. In my opinion it is not satisfactorily established that the workman was allowed to resume duty. I find this issue also not proved.

Issue No. 3.—The management have produced the leave application dated 9th July, 1969, which the workman gave to the management before proceeding on leave. This application is marked Exhibit M-1(A). The workman specifically asked for leave for 13 days and thereafter the workman did not write to the management at all as to whether he would return and resume duty. It is true that the workman is not literate and he had simply affixed a thumb-impression on the application but the workman admits in his evidence that when he approached the Manager for one month's leave he was specifically told that only 13 days leave was due to him upon which the workman represented that he would not be able to complete his work within this short period. The workman says that the Manager assured him that he could overstay for two or four days. It appears that the workman took the period of his limited leave very lightly because he says that he completed 20 days leave. The workman did not submit any further leave application from his village explaining the reasons why 20 days leave was necessary. The workman further says that after completing his 20 days leave he remained ill for two or three days. The workman also did not inform the management that he had fallen ill. There is no medical certificate to prove the alleged illness of the workman. Thus we find that although the workman had gone on 13 days leave with effect from 9th July, 1969, he remained continuously absent till 2nd August, 1969. This means that the workman was absent without leave or any intimation to the management giving the reasons for his absence from 23rd July, 1969 onwards. If under these circumstances the management formed an impression that he would not join back his duty and his name was removed from the rolls, it cannot be said that the action of the management was not justified. It would not be out of place to point out that the management had got it in writing from the workman in his leave application that in case he did not return from leave after the expiry of 13 days, his name may be removed from the rolls. Shri Krishan Lal, Proprietor of M/s K.G. Industries, Shdra, who is a friend of the Proprietor of the respondent concern, has stated that the leave to the workman was granted through his intervention because the son of the workman is in his employment and the workman approached him to intercede on his behalf and get his leave sanctioned and the leave application Exhibit M1 (A) was left by the workman with him. It appears that the management doubted the intention of the workman about his returning from leave after 13 days and for this reason they got in writing from him an assurance that he would return in time but it seems that the workman took this assurance also very lightly and did not even bother to inform the management of the reasons for overstaying. It is true that the daughter of workman had died and therefore, he might have been in need of leave for longer period but then he should have formally applied for leave for a longer period and made a request that if leave with pay was not due to him then the additional leave may be granted to him without wages but the workman was not justified in simply overstaying without any intimation to the management. The workman cannot claim to be treated on leave by simply overstaying the period of his leave without even giving an intimation to the management. The workman has not even explained why 20 days leave was essential to him. There is also no proof of the alleged illness. In my opinion, therefore, the name of the workman has been rightly struck off from the rolls and he is not entitled to any relief. I give my award accordingly.

Dated 3rd June, 1970.

P. N. THUKRAL,
Presiding Officer
Industrial Tribunal, F
Faridabad.

No. 979, dated 8th June, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 2nd June, 1970.

P. N. THUKRAL,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

B. L. AHUJA, Commissioner Secy.

INDUSTRIAL TRAINING DEPARTMENT

The 20th June, 1970

No. 5137-I IB(I)-70/16920.—The Governor of Haryana is pleased to notify the promotion of Shri B.N. Vaid to the post of Deputy Director of Industrial Training, Haryana, in the scale of Rs. 700—1,250 with effect from 8th May, 1970 (forenoon).

M. L. BATRA, Secy.

राजस्व विभाग

युद्ध जागीर

दिनांक 20 जून, 1970

क्रमांक 3226-ए-II-70/13452.—पूर्वी पंजाब के युद्ध पुरस्कार अधिनियम, 1948, की धारा 2 (ए) (एi) और 3 (i) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुये हरियाणा के राज्यपाल 100 रुपये (केवल सौ रुपये) की वार्षिक युद्ध जागीर निम्नलिखित व्यक्तियों को उनके सामने दी गई फसल से व सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं :—

क्र० सं०	जिला	जागीर पाने वाले का नाम	गांव	तहसील	फसल वर्ष जब से जागीर दी है
1	महेन्द्रगढ़	श्रीमती महोदशी, विघवा नानक चन्द	पृथीपुरा	नारनौल	र-66
2	"	श्रीमती चन्दर कान्ता, विघवा भैरो प्रसाद	कांटी	"	ख-65
3	"	श्री होशियार सिंह, पुत्र चेत रा	बेगपुर	"	"
4	"	श्री धर्म चन्द, पुत्र चुनी लाल	दस्ताल	"	"
5	"	श्री राधा किशन, पुत्र देव करण	रासीवास	बर्हीदादरी	"
6	"	श्री मोहन लाल, पुत्र बसाऊ	चिड़िया	"	"
	"	श्री कन्हैया लाल, पुत्र मोती राम	गुडाना	"	"

क्रम सं०	जिला	जागीर पाने वाले का नाम	गांव	तहसील	फसल वर्ष जब से जागीर दी है
8	महेन्द्रगढ़	श्री तुला राम, पुत्र केशव राम	सांतोड़	चर्खीदादरी	खरीफ, 65
9	"	श्री मंगतु राम, पुत्र श्री राम	छयार	"	"
10	"	श्री हेत राम, पुत्र शोदान	राजाबास	महेन्द्रगढ़	"
11	"	श्रीमती सरती देवी, विधवा धारी	कनीना	"	"
12	"	श्रीमती रिजका, विधवा शोदान ।	रासीबास	चर्खीदादरी	"

क्रमांक 3136-र-III-70/13457.— पूर्वी पंजाब के युद्ध पुरस्कार अधिनियम, 1948 की धारा 2 (ए)(1ए) और 1(1ए) के अनुसार मीरे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल 100 रुपये (केवल सी रुपये) की वार्षिक युद्ध जागीर निम्नलिखित व्यक्तियों को उनके सामने दी गई फसल से व सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं :—

क्रमांक	जिला	जागीर पाने वाले का नाम	गांव	तहसील	फसल/वर्ष जब से जागीर दी गई
1	रोहतक	श्रीमती बिक्रमा देवी, विधवा प्रभू राम	जनवारा	झझर	खरीफ, 1965
2	"	श्रीमती धोधड़ी देवी, विधवा माम चन्द	मुबाना	"	"
3	"	श्रीमती सरती देवी, विधवा दलीप सिंह	विशन	"	"
4	"	श्रीमती कैरिया देवी, विधवा रिछपाल	मठन हेल	"	"
5	"	श्री राम स्वरूप, पुत्र जैसी	कोहराड़	"	"
6	"	श्री श्रीधर, पुत्र रामजीलाल	असौधा	"	"
7	"	श्री सेधू राम, पुत्र चितरो	सेवाना	"	"
8	"	श्री सुधन सिंह, पुत्र जमना	बराही	"	"
9	"	श्री बजे राम, पुत्र कुड़े राम	गोराड़	रोहतक	"
10	"	श्री रणधीर सिंह, पुत्र भिखू	खुरम पुर	"	"
11	"	श्री मंगवी राम, पुत्र सुधन	खारावाड़	"	"
12	"	श्री कुन्दन लाल, पुत्र ज्ञानी राम	कनमाला	"	"
13	"	श्री जागे राम, पुत्र रुड़े राम	करौथा	"	"
14	"	श्रीमती लाड़ो, विधवा गोरधन	संपलाखंडी	"	"
15	"	श्रीमती राजो देवी, विधवा गुलाब सिंह	मीजम नगर	"	खरी, 1966

क्रमांक	जिला	जागीर पाने वाले का नाम	गांव	तहसील	फसल/वर्ष जब से जागीर दी गई
16	रोहतक	श्रीमती भूरी देवी, विधवा रिसाल सिंह	कसगना	गोशाना	खरीफ, 1965
17	„	श्रीमती पत्तरी देवी, विधवा दुलीचन्द	लाठ	„	„
18	„	श्री बाक राम, पुत्र सोहलू राम	अहुलाना	„	„
19	„	श्री दरया मिह, पुत्र उदमी राम	कोहला	„	„
20	„	श्री राम मल्ल, पुत्र खोरी	मिमयरी	„	„
21	„	श्री राम किशन टैगोर, पुत्र प्यारे लाल	9, शान्ति नगर, मोनीपत	मोनीपत	„
22	„	श्री लाल चन्द, पुत्र हीरा	चूलकाना	„	„

दिनांक 22 जून, 1970

क्रमांक 3334-राII-70/13545.—पूर्वी पंजाब के युद्ध पुरस्कार अधिनियम, की धारा 2(ए) (1) और 3 (1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल 100 रुपये (केवल सो रुपये) की वार्षिक युद्ध जागीर निम्नलिखित व्यक्तियों को उनके सामने दी गई फसल से व सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं:—

क्रमांक	जिला	जागीर पाने वाले का नाम	गांव	तहसील	फसल/वर्ष जब से जागीर दी गई
1	अम्बाला	श्री राजा सिंह, पुत्र बंगा सिंह	मुसिम्बल	जगाधरी	रबी, 1965
2	„	श्री मेहर सिंह, पुत्र भोला सिंह	मोहरा	अम्बाला	रबी, 1967

दिनांक 24 जून, 1970

क्रमांक 3575-राII-70/13804.—पूर्वी पंजाब के युद्ध पुरस्कार अधिनियम, 1948, की धारा 2(ए)(ए1) और 3(1ए) के अनुसार सौंपे गए अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल 100 रुपये (केवल सो रुपये) की वार्षिक जागीर निम्नलिखित व्यक्तियों को उनके सामने दी गई फसल से व सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं:—

क्रमांक	जिला	जागीर पाने वाले का नाम	गांव	तहसील	फसल/वर्ष जब से जागीर दी गई
1	हिमाचल	श्रीमती मनमरी देवी, विधवा बदन सिंह	बड़ाना	ठांसी	खरीफ, 1965
2	„	श्रीमती सुख देई, विधवा प्रेम राज	दिनोद	भिवानी	„
3	„	श्री मंगल चन्द्र जर्मा, पुत्र प्रनी राम जर्मा	मिनाथल	„	„
4	„	श्री मही राम, पुत्र रावत राम	लूदेमर	मिरसा	रबी, 1966

जी० एस० बिन्दराअवर सचिव।